

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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In re: :
:
THE FINANCIAL OVERSIGHT AND : PROMESA
MANAGEMENT BOARD FOR PUERTO RICO, : Title III
:
as representative of : Case No. 17-BK-3283 (LTS)
:
THE COMMONWEALTH OF PUERTO RICO *et al.*, : (Jointly Administered)
:
Debtors.¹ :
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In re: :
:
THE FINANCIAL OVERSIGHT AND : PROMESA
MANAGEMENT BOARD FOR PUERTO RICO, : Title III
:
as representative of : Case No. 17-BK-4780 (LTS)
:
PUERTO RICO ELECTRIC POWER AUTHORITY : **This filing relates only to**
: **Case No. 17-BK-4780 (LTS)**
:
Debtor. :
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**URGENT MOTION FOR LEAVE TO EXCEED PAGE LIMIT WITH RESPECT TO
OMNIBUS REPLY OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS IN
SUPPORT OF URGENT (I) OBJECTIONS TO MAGISTRATE JUDGE’S AUGUST 2,
2019 ORDER ON MOTION TO COMPEL AND (II) ALTERNATIVE MOTION TO
STRIKE AND TO EXCLUDE OUT-OF-SCOPE DECLARATION TESTIMONY AND
RELATED EVIDENCE**

¹ The Debtors in these Title III cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Judge Laura Taylor Swain:

The Official Committee of Unsecured Creditors of all Title III Debtors (the “Committee”) hereby files this urgent motion (the “Urgent Motion”), requesting entry of an order, substantially in the form attached hereto as **Exhibit A**, allowing the Committee to exceed the fifteen page limit set forth in the *Tenth Amended Notice, Case Management and Administrative Procedures* [Docket No. 8027-1 in Case No. 17-3283] (the “Case Management Procedures”) with respect to the *Omnibus Reply of Official Committee of Unsecured Creditors in Support of Urgent (I) Objections to Magistrate Judge’s August 2, 2019 Order on Motion to Compel and (II) Alternative Motion to Strike and to Exclude Out-Of-Scope Declaration Testimony and Related Evidence* (the “Reply”). In support of this Urgent Motion, the Committee respectfully states as follows:

JURISDICTION AND VENUE

1. The United States District Court for the District of Puerto Rico has subject matter jurisdiction over this matter pursuant to section 306(a) of PROMESA. Venue is proper pursuant to section 307(a) of PROMESA.

RELIEF REQUESTED

2. The Committee respectfully requests that the Committee be allowed to exceed the page limit for memoranda of law in support of replies by ten (10) pages and to file the Reply of no more than twenty-five (25) pages, exclusive of the cover page, tables of contents and authorities, signature pages, exhibits, and certificate of service.

BASIS FOR RELIEF REQUESTED

3. Pursuant to paragraph I.E of the Case Management Procedures, memoranda of law in support of replies are limited to fifteen (15) pages unless “prior permission has been granted” to exceed that limit.

4. The Committee respectfully submits that there is good cause to exceed that limit under these circumstances. As discussed in the Reply, three (3) responses (collectively, the “Responses”)² were filed in response to the *Official Committee of Unsecured Creditors’ Urgent (I) Objections to Magistrate Judge’s August 2, 2019 Order on Motion to Compel and (II) Alternative Motion to Strike and to Exclude Out-Of-Scope Declaration Testimony and Related Evidence* [Dkt. No. 1576]. The Responses, which total approximately sixty-eight (68) pages of briefing, raise numerous arguments in opposition to the relief sought by the Committee that must be addressed in the Reply. For these reasons, the Committee will not be able to meet the fifteen page limit for the Reply.

5. Accordingly, the Committee respectfully requests authorization for the Committee to file the Reply of no more than twenty-five (25) pages, exclusive of the cover page, tables of contents and authorities, signature page, exhibits, and certificate of service. The Committee submits that this request is reasonable and appropriate in light of the circumstances described above.

6. Pursuant to Section I.H. of the Case Management Procedures, undersigned counsel certifies that it has engaged in reasonable, good-faith communications with counsel to other interested parties. Moreover, in accordance with Local Bankruptcy Rule 9013-1(a)(2), undersigned counsel certifies that counsel has carefully examined the matter and concluded that there is a true need for expedited consideration of the Urgent Motion, and that the Committee has not created the urgency through lack of due diligence on its part. Counsel to the Committee conferred with counsel for the parties opposing the Committee’s objection (*i.e.*, the Oversight

² The Responses were filed by the Financial Oversight and Management Board for Puerto Rico (“Oversight Board”) and the Puerto Rico Fiscal Agency and Financial Authority (“AAFAF”) [Dkt. No. 1595], Assured Guaranty Corp. and Assured Guaranty Municipal Corp. (collectively, “Assured”) [Dkt. No. 1194], and the Ad Hoc Group of PREPA Bondholders (“Ad Hoc Group”) [Dkt. No. 1596].

Board, AAFAF, Assured, and the Ad Hoc Group) regarding this Urgent Motion. Counsel for the Oversight Board, AAFAF, the Ad Hoc Group, and Assured have stated that they do not object to this motion.

NOTICE

7. Notice of this Motion has been provided to the following entities, or their counsel, if known: (i) the U.S. Trustee; (ii) the Office of the United State Attorney for the District of Puerto Rico; (iii) the Oversight Board; (iv) the Puerto Rico Fiscal Agency and Financial Advisory Authority; (v) the Official Committee of Retired Employees of the Commonwealth of Puerto Rico; (vi) the insurers of the bonds issued or guaranteed by the Debtors; (vii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors; (viii) Citigroup Global Markets, Inc.; (ix) Filsinger Energy Partners, (ix) Ankura Consulting Group; and (x) all parties that have filed a notice of appearance in the above-captioned title III cases.

NO PRIOR REQUEST

8. No prior request for the relief requested herein has been made by the Committee to this or to any other court.

WHEREFORE, the Committee respectfully requests that this Court enter an order substantially in the form attached hereto as **Exhibit A** granting the relief requested herein, and granting such other relief as this Court deems just and proper.

Dated: August 20, 2019

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- and -

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